

REMARKS

Claims 1-36 and 40-62 are pending. Claims 1, 18, 27, 46, 48, 53, 54, 56, 59 are amended. Claims 37-39 are canceled. Claim 62 is newly added.

In the Office Action, claims 1-7, 10-13, 15, 17-27, 33-36, 41-48, 54 and 59-61 were rejected as anticipated by U.S. Patent Number 6,035,020 (Weinstein). Claim 8 was rejected as obvious over Weinstein in light of U.S. Patent Number 5,085,913 (Wong). Claims 9, 28-30, 37-40 and 56 were rejected as obvious over Weinstein in light of U.S. Patent Number 6,259,699 et al. (Opalka). Claims 14 and 53 were rejected as obvious over Weinstein in light of U.S. Patent Number 6,083,280 (Eitel). Claims 16 and 55 were rejected as obvious over Weinstein in light of U.S. Patent Number 6,480,487 (Wegleitner). Claims 49-52 were rejected as obvious over Weinstein in light of U.S. Patent No. 6,163,599 (McHale). Claims 31, 32, 57 and 58 were rejected as obvious over Weinstein in light of Opalka and Wegleitner.

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action.¹ Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-7, 10-13, 15, 17-27, 33-36, 41-48, 54 and 59-61 were rejected as anticipated by Weinstein. For at least the reasons set forth below, the rejections of these claims should be withdrawn. All dependent claims not separately argued herein are patentable at least by reason of their dependence from patentable independent claims.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome the present rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future. Further, Applicants do not necessarily agree with or acquiesce to the Examiner's characterizations of the scope and meaning of their claims.

A. Claims 1, 18, 48, 53, and 54

1. “controlling a scanning device”

Independent claim 1 recites in part “controlling a scanning device to selectively connect a signal detector to the local link.” Weinstein does not teach or suggest anything resembling “a scanning device.” At most, Weinstein teaches simply receiving a Dual Tone Multiple Frequency signal, or a data call signal, and then identifying the data call. (Weinstein, col. 4, lines 46-54.) Weinstein would have had no reason for “controlling a scanning device” because in Weinstein’s system there would have been no reason to scan signals. Weinstein discloses at most simply receiving and analyzing signals. Thus, Weinstein does not teach or suggest “controlling a scanning device.”

For at least this reason, the rejection of independent claim 1 should be withdrawn. Claims 18, 48, 53, and 54 include similar recitations and are similarly allowable over Weinstein.

2. “to selectively connect a signal detector to the local link”

Weinstein does not teach or suggest “to selectively connect a signal detector to the local link,” as further recited in claim 1. Any connections to a local link disclosed by Weinstein are hard wired to line cards (Weinstein, Fig. 1). Weinstein’s system simply includes no capability to “selectively connect” to a line card, or any other element. At most, Weinstein discloses connecting a local link to a selected network (Weinstein, col. 2, lines 20-23), but this connection is hard wired, and is not performed “selectively.” Further, Weinstein does not in any way teach or suggest “to selectively connect a signal detector to the local link.” (Emphasis added.) That is, not only does Weinstein not teach or suggest “to selectively connect . . . to the local link,” but Weinstein certainly in no way teaches or suggests “a signal detector” involved in any way with any selective connection.

For at least this further reason, Weinstein does not anticipate claim 1. Claims 18, 48, 53, and 54 include similar recitations and are similarly allowable over Weinstein.

B. Claims 27, 46, 48, 56, and 59

1. “the program controlled switch is configured to scan each of a set of local links”

Independent claim 27 recites in part “the program controlled switch is configured to scan each of a set of local links.” As stated above with respect to claim 1, Weinstein does not teach or suggest any mechanism for scanning, and therefore cannot teach or suggest that “the program controlled switch is configured to scan each of a set of local links.” In contrast, Weinstein teaches away from any scanning, because each of Weinstein’s local links is hardwired to a line card and all decisions are made for that local link within the line card (Weinstein, Fig. 1; col. 4, lines 16-17 and 30-34). Weinstein certainly does not disclose any way to allow for “scanning each of a set of local links.”

For at least the foregoing reasons, Weinstein does not anticipate claim 27. Similarly, the rejection of claims 46, 48, 56 and 59 should be withdrawn.

2. “scanning said local link to provide monitoring of said signal”

Independent claim 27 recites in part “scanning said local link to provide monitoring of said signal.” As stated above, Weinstein does not teach or suggest any scanning mechanism at all. Further, Weinstein does not teach or suggest a “signal” or “monitoring of said signal.” As already discussed, Weinstein teaches hardwired local links with a prefix detector, which involves neither “scanning said local link” nor “monitoring of said signal.” At most, Weinstein discloses receiving a signal and making a determination based on the received signal. (Weinstein, col. 4, lines 50-54.) Weinstein does not teach or suggest any “monitoring” at all, and certainly does not disclose any monitoring associated with “scanning said local link.” Therefore, Weinstein certainly does not teach or suggest “scanning said local link to provide monitoring of said signal.”

For at least this further reason, Weinstein does not anticipate claim 27. Similarly, the rejection of claims 46, 48, 56 and 59 should be withdrawn.

C. Claim 41: “to cause said concentrator network to provide a connection to said port for signals on the one link”

Weinstein does not teach or suggest to “cause said concentrator network to provide a connection to said port.” Weinstein instead teaches causing the line cards to provide connections to

a port (Weinstein, Fig. 1; col. 3, lines 28-36). That is, as illustrated in Weinstein's Figure 1, when the line card causes the connection to the port, the connection is to a concentrator that does not "provide a connection to said port for signals on the one link," as recited in claim 1 (emphasis added). Thus, there is a significant structural difference between the foregoing recitation of claim 1 and Weinstein's system. In fact, Weinstein teaches away from the foregoing recitation of claim 41 by teaching that the line card, and not the concentrator network, provides a connection.

For at least the foregoing reasons, claim 41 is patentable over Weinstein, and the rejection of claim 41 over Weinstein should be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 8, 9, 14, 16, 28-32, 37-40, 49-53, 55 and 56-58 were rejected as obvious over various combinations of Weinstein, Wong, Opalka, Eitel, Wegleitner and McHale. Claims 37 (now canceled), 53 and 56 are independent claims.

Independent claims 53 and 56 are each patentable over the cited references at least for reasons set forth above concerning the Section 102 rejections of Applicants' claims. As further set forth above, the dependent claims are patentable at least by reason of their dependence from the foregoing independent claims.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0140. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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